

EXHIBIT 1

DECLARATION OF SALLY MORTON

I, Sally Morton, hereby declare:

1. I am a resident of the State of Arizona. I am currently employed by Arizona State University as Executive Vice President of the ASU Knowledge Enterprise and as a Professor in the College of Mathematical and Statistical Sciences and the College of Health Solutions. In my capacity as Executive Vice President, I lead the university's research and economic development portfolio to advance research priorities, oversee ASU's research institutes and initiatives, and drive corporate engagement, strategic partnerships, intellectual property, and technology transfer.

2. As Executive Vice President of the ASU Knowledge Enterprise, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records provided to me by ASU employees and believe that information to be true. If called as a witness, I could and would testify competently to the matters set forth below.

3. I previously submitted a declaration in support of Plaintiffs' Motion for a Temporary Restraining Order (TRO) in this matter, to explain certain impacts of the Department of Energy (DOE)'s policy that would immediately reduce facilities and administrative costs payments (also known as indirect costs) to 15% for both ongoing and future grants.

4. I am providing this declaration to share an update about the implementation of this DOE policy, in further support of Plaintiffs' Motion.

5. On April 18, 2025 at 9:16 AM, two ASU employees received an email from a DOE Technical Project Officer concerning an invoice previously submitted for a DOE-funded project. The email, attached hereto as Exhibit A, states that "Due to the Policy Flash from DOE, and the pending process changes, currently invoices from IHEs are not being processed....The

option we have at this time is for the invoice to be submitted without any indirect charges and we can pay the direct costs. Once guidance is received on implementing the new policy flash for IHE awardees, we would have you submit an invoice for the indirect costs. Otherwise, unfortunately, we will not be able to process your invoice at this time.”

6. This email was received two days after the Court issued a TRO in this action. ASU complied with the directions of the Technical Project Officer by submitting a revised invoice for only direct costs, which was paid. ASU then contacted the Technical Project Officer to inform her of the TRO and request permission to submit a second invoice for indirect costs. She granted that permission after seeking additional guidance from the Contracting Officer. See Exhibit A.

7. ASU has subsequently submitted a second invoice seeking indirect costs.

I declare under penalty of perjury that the foregoing is true and correct.

Dated April 25, 2025

Tempe, Arizona

A handwritten signature in blue ink, appearing to read 'Sally Morton', is written over a horizontal line.

SALLY MORTON

EXHIBIT A

From: [Kim, Lexie](#)
To: [Steven Winn](#); [Heather Clark](#)
Cc: [Sridhar Seetharaman](#); [Coy, Ava](#); [Franke, Matt \(CONTR\)](#); [Jamison, Keith](#)
Subject: RE: EPIXC Invoice Status
Date: Wednesday, April 23, 2025 9:46:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

This looks good and is what I expected to see submitted.

Lexie Kim
Technical Project Officer
720-584-8843

From: Steven Winn <Steven.Winn@asu.edu>
Sent: Wednesday, April 23, 2025 10:40 AM
To: Kim, Lexie <lexie.kim@ee.doe.gov>; Heather Clark <Heather.Christina.Clark@asu.edu>
Cc: Sridhar Seetharaman <seetharaman@asu.edu>; Coy, Ava <ava.coy@ee.doe.gov>; Franke, Matt (CONTR) <matt.franke@ee.doe.gov>; Jamison, Keith <keith.jamison@ee.doe.gov>
Subject: [EXTERNAL] RE: EPIXC Invoice Status

Hi Lexie,

Can you review this invoice before we submit it through VIPERS? Let me know if I need to change anything.

Thanks,

Steve

From: Kim, Lexie <lexie.kim@ee.doe.gov>
Sent: Wednesday, April 23, 2025 8:33 AM
To: Heather Clark <Heather.Christina.Clark@asu.edu>
Cc: Steven Winn <Steven.Winn@asu.edu>; Sridhar Seetharaman <seetharaman@asu.edu>; Coy, Ava <ava.coy@ee.doe.gov>; Franke, Matt (CONTR) <matt.franke@ee.doe.gov>; Jamison, Keith <keith.jamison@ee.doe.gov>
Subject: RE: EPIXC Invoice Status

Heather,

Thank you for reaching out. The Contracting Officer confirmed you can submit the invoice for the indirect costs. I would recommend it would be only the indirect costs for the most recently approved invoice to avoid any confusion.

Thanks,

Lexie

Lexie Kim

Technical Project Officer
720-584-8843

From: Heather Clark <Heather.Christina.Clark@asu.edu>

Sent: Wednesday, April 23, 2025 8:41 AM

To: Kim, Lexie <lexie.kim@ee.doe.gov>

Cc: Steven Winn <Steven.Winn@asu.edu>; Sridhar Seetharaman <seetharaman@asu.edu>; Coy, Ava <ava.coy@ee.doe.gov>; Franke, Matt (CONTR) <matt.franke@ee.doe.gov>; Jamison, Keith <keith.jamison@ee.doe.gov>

Subject: [EXTERNAL] RE: EPIXC Invoice Status

Dear DOE colleagues,

I'm writing to follow up on our correspondence about invoicing.

We prepared and submitted a revised invoice per your directions, and that has been paid.

However, we also understand that a TRO has been issued that affects the Policy Flash from DOE. Are we able to submit the rest of our invoice, covering the indirect costs, for payment at this time?

Sincerely, Heather

Heather Christina Clark

Assistant Vice President – Research Operations

Email: heather.christina.clark@asu.edu

Ph: 480-965-1427

From: Heather Clark

Sent: Friday, April 18, 2025 1:15 PM

To: lexie.kim@ee.doe.gov

Cc: Steven Winn <Steven.Winn@asu.edu>; Sridhar Seetharaman <seetharaman@asu.edu>; Coy, Ava <ava.coy@ee.doe.gov>; Franke, Matt (CONTR) <matt.franke@ee.doe.gov>; keith.jamison@ee.doe.gov

Subject: FW: EPIXC Invoice Status

Dear DOE colleagues,

At the direction of DOE, we are resubmitting this invoice for only ASU's direct costs noted herein. ASU submits this invoice reserving all of its rights relating to amounts owed for indirect or facilities and administrative costs. You will see the invoice soon in VIPERS.

Sincerely, Heather

Heather Christina Clark

Assistant Vice President – Research Operations

Email: heather.christina.clark@asu.edu

Ph: 480-965-1427

From: Kim, Lexie <lexie.kim@ee.doe.gov>

Sent: Friday, April 18, 2025 9:16 AM

To: Steven Winn <Steven.Winn@asu.edu>; Sridhar Seetharaman <seetharaman@asu.edu>

Cc: Coy, Ava <ava.coy@ee.doe.gov>; Franke, Matt (CONTR) <matt.franke@ee.doe.gov>; Jamison, Keith <keith.jamison@ee.doe.gov>

Subject: EPIXC Invoice Status

Importance: High

Steve and Sridhar,

Due to the Policy Flash from DOE, and the pending process changes, currently invoices from IHEs are not being processed. We understand EPIXC would like payment soon for past costs. The option we have at this time is for the invoice to be submitted without any indirect charges and we can pay the direct costs. Once guidance is received on implementing the new policy flash for IHE awardees, we would have you submit an invoice for the indirect costs. Otherwise, unfortunately we will not be able to process your invoice at this time.

Thank you,
Lexie



Lexie Kim

Technical Project Officer

MOBILE 720.584.8843

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